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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In re: IVY K. NIMLEY
Debtor (s)

Case No. 1:20-bk-10202
Chapter 13

EMERGENCY MOTION FOR STAY EXTENSION

1. My active Chapter 13 bankruptcy case, No. 1:20-bk-10202, was filed on February 20, 2020.

2. Previously, I filed for Chapter 13 bankruptcy, that was pending less than one year ago.

3. My prior bankruptcy case, case No. 1:19-bk-10939 was dismissed because my then unsecured debt exceeded the Chapter 13 limit.

4. With my current Chapter 13 case, as with the prior chapter 13 case, I have the ability to offer a fair Chapter 13 plan to benefit all my creditors.

5. One of the reasons that I filed for Chapter 13 bankruptcy was to stop a foreclosure sale on my home that was initiated by Select Portfolio Servicing Inc. on behalf of the creditor ABS REO Trust II.

6. Because of my prior Chapter 13 case, I am only entitled to the court's stay for one month and the stay expires on March 20, 2020.

7. The servicer, Select Portfolio Servicing Inc., on behalf of ABS REO Trust II has already scheduled another foreclosure sale for March 27, 2020.

8. I respectfully request that the court allow the emergency stay to remain in place beyond the automatic 30-day period to extended protection from the foreclosing creditor.

9. I wish to demonstrate to the court that the foreclosing creditor, ABS REO Trust II, is not a legally-entitled lien holder on my property and therefore has no right to foreclose on my home or collect monies to be distributed as part of my Chapter 13 plan.

10. In my prior Chapter 13 case, I missed the opportunity to earnestly express my doubts regarding the identity and validity of my mortgage holder.

11. ABS REO Trust II, or its servicer, Select Portfolio Servicing Inc. has not produced evidence that reasonably or competently supports their contention that they are the present owner of my mortgage at 162 Courtland Street Providence, RI 02909.

12. There is nothing in the land evidence records that reasonably and competently supports their contention that they are the present owner of my mortgage lien.

13. There is contradictory information within the city of Providence land records which invalidates ABS REO Trust II as a legitimate mortgage holder on my home at 162 Courtland Street Providence, RI 02909. See attached exhibits.

14. Since April 2017, Select Portfolio Servicing has claimed that ABS REO Trust II holds a valid mortgage on my property.

15. Since April 2017, I have made repeated requests for valid documentation that substantiate ABS REO Trust II as a creditor.

16. It has been nearly 3 years and they have failed to produce documentation that reasonably and competently supports their contention that ABS REO Trust II holds a legitimate lien on my home.

17. However, they have continued to inappropriately pursue payment for the unsubstantiated debt.

18. I have not yet received a proof of claim from ABS REO Trust II for my current Chapter 13 case.

19. However, they continue with attempts to foreclose on this unsubstantiated debt.

20. On August 30, 2006 my mortgages with Taylor Bean and Whitaker Mortgage Corp were recorded with the city of Providence land evidence records.

21. The recorded assignees were myself, Taylor Bean and Whitaker Mortgage Corp (TBW) and Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Taylor Bean and Whitaker Mortgage Corp.

22. According to the land evidence records, MERS as nominee for Taylor bean and Whitaker Mortgage Corp. transferred all their rights to both my 1st and 2nd mortgages solely to Taylor Bean and Whitaker Mortgage Corp. on February 13, 2011.

23. The February 13, 2011 assignments were recorded in the land evidence records in the city of Providence, RI on March 28, 2011.

24. Please see attached Exhibit ___ re: my first mortgage Doc No. 00006046, book 9955 pg 71 and

25. Please see attached exhibit ___ re: my second mortgage Doc No. 00006047; book 9955 page 72, .

26. Since August 24, 2009 Taylor Bean and Whitaker Mortgage Corp. has been involved in an active Chapter 11 bankruptcy, case no. 09-07047, which is still pending in United States Federal Bankruptcy Court Middle Florida District.

27. As part of the Chapter 11 plan re: case 09-07047, Taylor bean and Whitaker Mortgage Corp. assets were to be liquidated and managed by Ocala Funding, LLC.

28. Ocala Funding, LLC filed for Chapter 11 bankruptcy on July 10, 2012; This

case, No. 3:12-bk-04524-JAF is currently pending in United States Federal Bankruptcy Court Middle Florida District.

29. As part of the Chapter 11 plan re: case no. 3:12-bk-04524-JAF, the debtor Ocala Funding, LLC assets were to be liquidated.

30. Some TBW loans were among the Ocala Funding LLC assets to be liquidated.

31. On August 10, 2017 Ocala Funding, LLC filed a motion in US Bankruptcy Court Middle District of Florida Jacksonville Division for the authority to sell a pool of TBW-originated loans to ABS Loan Trust II. Please refer to: Case 3:12-bk-04524-JAF, Doc. 437, pp 1-5.

32. It is important to note that ABS Loan Trust II and ABS REO Trust II are two distinct companies bearing similar names.

18. The Middle Florida District Bankruptcy court granted the motion and ordered the authorization for the sale between Ocala Funding LLC and ABS Loan Trust II. Please refer to Case 3:12-bk-04524-JAF, Doc. 442.

19. It is important to note that neither of my TBW mortgages was listed among the pool of mortgages given permission to be sold to ABS Loan Trust II. Please refer to Case 3:12-bk-04524-JAF, Doc. 437, Exhibit A, pg A-1, A-2, and A-3. The exhibit is attached and entitled Mortgage Loan Schedule for reference.

20. It is important to note that no other have been filed or recorded, that authorize Taylor Bean and Whitaker Mortgage Corp. or Ocala Funding, LLC to sell, assign or transfer any additional mortgages to ABS Loan Trust II or to ABS REO Trust II.

21. No motion or order is on record with the US bankruptcy court in Florida Middle District that reflects Ocala Funding LLC or Taylor Bean and Whitaker Mortgage Corp. has sold, assigned or transferred my mortgage to ABS Loan Trust II or to ABS REO Trust II.

22. However, according to the land evidence records, on March 9, 2017, TBW sold and assigned my mortgage to ABS Loan Trust II. The assignment was recorded in the land records on June 13, 2017. see attached copies of Doc No. 6046, book 9955, pg 71 and Doc No.6047, book 9955 pg 72.

23. There is no record in the US Federal Bankruptcy Court that reflects that authority was given to TBW or Ocala Funding, LLC to sell my loan either to ABS Loan Trust II or to ABS REO Trust II.

24. I am unable to find a record, within any of the Chapter 11 court filings for Taylor Bean and Whitaker Mortgage Corp. or for Ocala Funding, LLC for the the sale of my mortgage from TBW or Ocala Funding LLC to ABS Loan Trust II or to ABS REO Trust II .

25. On August 30, 2017, Select Portfolio Servicing Inc. requested that MERS record a corrective assignment to name ~~REO ABS Trust II~~ as the sole assignee of my ~~ABS REO Trust II (1,1)~~

mortgage lien, replacing Taylor Bean and Whitaker Mortgage Corp. See attached copy of Doc 00180955, book 11826 pg 140.

26. The corrective assignment is improper.
27. The corrective assignment raises multiple contradictions to the chain of title.
28. The corrective mortgage assignment contradicts the prior mortgage recorded assignment of MERS to Taylor Bean and Whitaker on March 28, 2011. see attached copy of copies of Doc No. 6046, book 9955, pg 71 and Doc No.6047, book 9955 pg 72.
29. On March 28, 2018 it was recorded that MERS permanently transferred all its assignment rights to Taylor Bean and Whitaker on February 13, 2011
30. The corrective assignment contradicts the mortgage assignment from Taylor Bean and Whitaker Mortgage Corp. to ABS Loan Trust II recorded on June 13, 2017. See attached copy of Doc 00173448, book 11740 pg 147 and Doc 00180955, book 11826 pg 140.
31. The recorded Corrective Corporate Assignment suggests that MERS intended to assign my mortgage to ABS REO TRust II instead of to Taylor Bean and Whitaker Mortgage Corp. on March 28, 2011.
32. However, the company ABS REO Trust II did not exist on March 28, 2011. ABS REO Trust II was established on January 21, 2015 in Wilmington DE; nearly 4 years after the March 2011 assignment.
33. The city of Providence land recordings pertaining to my property at 162 Courtland Street in Providence RI are contradictory and raises serious chain of title concerns and improprieties.
34. The land evidence records are not consistent with US bankruptcy court filings from both the Taylor Bean and Whitaker Mortgage Corp. and Ocala Funding LLC Chapter 11 cases in the Middle Florida District.
35. I have submitted written and verbal requests to both Select Portfolio Servicing Inc and Harmony Law Office PC for valid and verifiable documentation as to the identity of legally entitled mortgage holder.
36. I have not yet received valid documentation that substantiates the true legal lien holder either as ABS REO Trust II.
37. I have requested the Foreclosure sale be canceled until this matter is settled by the court. They have not canceled the foreclosure sale on March 27, 2020.
38. My concerns regarding the chain of title of my mortgage are earnest, given the history of mortgage fraud that has been associated with the company Taylor Bean and Whitakaer Mortgage Corp. and given the class action civil suit against Select Portfolio Servicing Inc. regarding servicing violations:
 - a. On 2009 the Chairman of Taylor Bean and Whitaker Mortgage Corp. along with several co-conspirators were indicted and later convicted for mortgage

securities fraud.

b. Among the charges was the fraudulent sale and assignments mortgage securities to multiple entities at the same time.

c. In 2009 the federal government raided TBW headquarters under suspicions of securities fraud.

d. In 2009 all business operations ceased at TBW.

39. There are serious discrepancies in the chain of title of my mortgage lien at 162 Courtland Street Providence RI and possibly discrepancies in its origination.

40. The extension of stay is needed for the following reasons:

a. I need the stay to remain in place to have the opportunity to acquire information from ABS REO Trust II or from its servicer so that I can prove to the court that they have no right to foreclose or collect payment as a secured creditor in my Chapter 13 plan.

b. I just found out that the mortgage company is proceeding with their foreclosure on March 27, 2021, so I need emergency relief.

c. I need this stay extended to protect my home.

d. I also need the stay to remain in place so that I have the opportunity to acquire information from the other interested parties regarding the mortgage liens on my property so that I can amend my chapter 13 plan to properly apply payments to the rightful lien holder, if they exist.

e. My home is not only shelter for me, it is my largest asset and income generator. The income from my property rental and management business is the greatest source of my income while I seek out additional income opportunities that will further advance my medical career and financial well-being.

f. Consequently, I need to protect my home so that I can maintain my Chapter 13 plan payments, finally get a fresh start and become a contributing member to the economy again.

36. I wish to convey to the court that each one of my bankruptcies have been filed in good faith.



Debtor

March 16, 2020

Date

Joint Debtor

Date

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

IN RE: **IVY K. NIMLEY**
Debtor

Case No. 1:20-BK-10202
Chapter 13

CERTIFICATION

I hereby certify that on the 16th day of March 2020 a copy of the attached Emergency Motion For Stay Extension, relating to the above referenced case,

was served on the following interested parties:

By US Mail, Certified Return receipt, to:

ABS REO Trust II
c/o Select Portfolio Servicing
PO Box 65250
Salt Lake City UT 841165-0250

Their Attorney:

Harmon Law Office, PC
150 California Street
Newton MA 02458

RoundPoint Mortgage Company
5032 Parway Plaza Blvd, Ste 100
Charlotte NC 28217

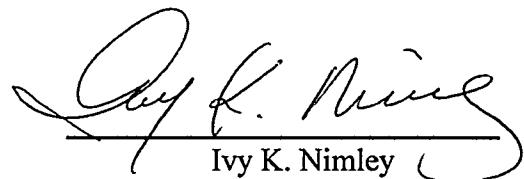
And by regular US Mail to:

Attached matrix

And by electronic mail to:

Derek A. Castello on behalf of interested party Taylor Bean & Whitaker Mortgage Corp.
Bkecf@bmpc-law.com, dcastello@bmpc-law.com

Keith Joseph McCarthy on behalf of Creditor ABS REO Loan Trust II
Ribk@harmonlaw.com, McCarthy@ecf.courtdrive.com



Ivy K. Nimley

MARCH 16, 2020

(Date)

+ Denotes electronic recipient

0103-1

Case 1:20-bk-10202

District of Rhode Island

Providence

Mon Mar 16 15:51:20 EDT 2020

Ivy K. Nimley

PO Box 72808

Providence, RI 02907-0808

(p) INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

U.S. Bank N.A., as trustee, on behalf of the

RI Division of Taxation
Bankruptcy Unit
One Capitol Hill
Providence, RI 02908-5803

State of RI - Labor and Training
Legal Department
Bldg 72 3rd Floor
1511 Pontiac Avenue
Cranston, RI 02920-4407

Convergent Outsourcing
PO Box 9004
Renton, WA 98057-9004

Emergency Care Services of N.E.
PO Box 1123
Minneapolis, MN 55440-1123

City of Providence
Treasurer
25 Dorrance Street
Providence, RI 02903-1787

Narragansett Bay Commission
1 Service Rd
Providence, RI 02905-5505

Navient
123 Justison Street
3rd Floor
Wilmington DE 19801-5363

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PO Box 1456
Providence, RI 02901-1456

Roundpoint Mtg. Servicing Corp.
PO Box 19409
Charlotte, NC 28219-9409

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co Select Portfolio Servicing Inc
PO Box 65250
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US Dept. of Education
Bankruptcy Notices
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Stefanie D. Howell +
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150 California Street
Newton, MA 02458-1068

Keith Joseph McCarthy +
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service
Insolvency Unit - 4th Floor
380 Westminster Street
Providence, RI 02903

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)ABS Loan Trust II

End of Label Matrix	
Mailable recipients	22
Bypassed recipients	1
Total	23